

CHIRO NEWS

A publication of the Maryland Board of Chiropractic & Massage Therapy Examiners

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SUMMER 2013



IMPORTANT ADMIN CHANGES TO CA PROGRAM

NEW CA APPLICANT HIRING, TRAINING, REPORTING FORMS & GUIDELINES ARE IN EFFECT

On May 15th, 2013, the Board fully implemented its previously announced policy and procedures revisions (announced in the Spring 2013 Newsletter and by special licensee mailing). These revisions are compliant as Board administrative procedures/policies with existing COMAR 10.43.07 *et seq.* These revisions place a significant amount of responsibility on the Supervising Chiropractor in the interview, hiring, and application process when hiring a CA Applicant. **Use only the revised form (REQUEST TO HIRE CA APPLICANT) currently available online at www.mdchiro.org. No other forms or requests will be accepted.**

Many licensees have already learned that the Board is earnest in applying these stringent guidelines and procedures. Many supervising chiropractors have had their CA Applicants training status summarily suspended pending Board review. This means that in the interim, the applicant may not work with patients. While this imposes a hardship on the doctor, it is a self-imposed hardship for failure to follow the regulations, policies and procedures and not having the candidate meet deadlines.

Here are the general highlights of the administrative policy changes:

- Supervising Chiropractors must submit all requests to hire in hard copy original—no faxes or email requests accepted; No hire will be permitted until a Board background check is done;
- All hiring requests must be accompanied by legible copies of proof of birth date, H.S. Diploma, driver's license, citizenship and legal work status (for foreign born applicants);
- Supervising Chiropractors must certify that the hired applicant has reviewed the regulations, is competent/ fluent in English and is reasonably capable of passing the examination;
- No applicant shall be approved for hire until the investigative unit conducts a background criminal check to insure that there is no history of dangerous misconduct;
- **Before application**, the applicant must be enrolled in a Board approved CPR Course and satisfactorily complete it within four (4) months of hire date, or be suspended from the program;
- **Within four (4) months of hire date**, the applicant must be enrolled in a Board approved CA training course of instruction, and complete the CPR Course, or be suspended from the program;
- **Within 1 calendar year, the applicant** must complete the entire training program and examination. Failure to qualify to take the examination within this time period will result in termination from the program. **NO MORE WAIVERS, EXCEPTIONS, OR EXTENSIONS WILL BE GRANTED** except in cases of documented medical or family emergencies. Supervising Chiropractors who fail to comply with these program revisions will be subject to sanctions and may be contacted to appear before the Director and/or the Board.
- CA Applicant application for examination must be sent in **one mailing**; not piecemeal submissions. All required supporting documents, log, course completion certificate, CPR card, etc., must be included in the single submission or it will not be accepted.

TO FACILITATE DOCTORS AND APPLICANTS, THE CA EXAM WILL BE ADMINISTERED THREE (3) TIMES IN 2014. THE UPCOMING EXAM DATES ARE: 2013: November 16th. 2014: April 22nd, August 26th, and November 18th. Applications and fees must be postmarked to the Board at least 45 days before the respective Exam date.

REMEMBER: A Supervising Chiropractor Status is a privilege, not a right or entitlement. It can be suspended by the Board for failure to follow the foregoing policies and procedures.

It is important to note that the Board is pro-actively trying to "fix" the current program that became problematic due to the failure of doctors to comply with the regulations and policies governing the CA Program. Both the Board and the MCA want the program to succeed and optimistically hopes that these revisions will assist in getting the program back on track. The Board has met with the MCA and the course providers to develop more pro active initiatives to assist the program. In all of these discussions, the recurring theme is that it will only work if/when the licensees comply by scrupulously adhering to guiding regulations and policies. To this end, the Board respectfully requests the cooperation, patience, and diligence of all licensees to make our CA Program better. Please call the Executive Director at any time with any questions or concerns about this important program.

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BOARD OF EXAMINERS

Composition for 2013

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Jonathan Nou, DC, Vice, Pres.
Robert Frieman, DC, Secty/Treas.
Stephanie Chaney, DC, Past Pres.
Karen Biagiotti, LMT, Member
David Cox, LMT, Member
Gwenda Harrison, LMT, Member
Ernestine Jones-Jolivet, Consumer Member
Gloria Boddie-Epps, Consumer Member
Joanne Bushman, DC, Member
Michael Moskowitz, DC, Member

BOARD MEETINGS

(and other important dates):

(Board meetings commence at 10a.m. unless otherwise noted)

July 11th

August 8th

September 12th

October 10th

November 14th

December 12th

MIDNITE, AUG. 31ST

Licensee Renewal Deadline

DISCIPLINARY CASE SUMMARIES

FORMAL AND INFORMAL SANCTIONS

(Note: Only formal public sanctions permit the release of the Respondent's identity)

FORMAL PUBLIC ORDERS

- **FRANK TARQUINI, DC, 3/24/2013:** **Formal Consent Order:** Unprofessional conduct, impairment affecting ability to practice chiropractic (alcohol abuse while practicing chiropractic). Six month license suspension, 2 years probation, satisfactory monitoring and completion of alcohol abuse counseling and testing.
- **MARLENE MAHIPAT, DC, 4/2013:** **Formal Consent Order:** Paying for patient referral. Reprimand; six months probation; mandatory ethics & billing course.
- **ROBERT EYLER, CA, 6/13/2013:** **Formal Surrender of Registration:** Inappropriate consensual conduct with a patient while serving as a registered CA.
- **WILTON NICE, RMP, 6/2013:** **Formal Surrender of Registration:** Criminal assault, 2nd degree;
- **JEROME BIRD, LMT, 6/13/013:** **Summary Suspension of License pending Administrative Hearing:** Inappropriate illicit sexual activity under guise of massage therapy, in advertisements and verbal solicitations; allegedly soliciting Board investigator for sexual conduct.
- **JAMES KILCHENSTEIN, DC, 6/5/2013:** **Formal Surrender of License: Criminal Conduct and conviction:** Inappropriate illicit sexual activity; sexual assault, 2nd degree, jail sentence suspended pending 5 years probation; may not reapply from suspension for minimum of 2 years or until criminal probation is terminated: whichever is longer.

INFORMAL (NON-PUBLIC—ADMINISTRATIVE) SANCTIONS

- **CA APPLICANT "X", 4/2013:** **Letter of Warning/Education.** Failure to accurately list past criminal history on CA Examination/Registration Application.
- **CA APPLICANT "Y", 4/2013:** **Letter of Warning/Education.** Failure to accurately list past criminal history on 2013 CA Registration Renewal.
- **CHIROPRACTOR "Z", 5/2013:** **Letter of Education.** Failure to maintain efficient patient records.

Note: All formal and informal Orders and Sanctions are the result of the decision of the quorum of the full Board of Chiropractic & Massage Therapy Examiners, meeting and deliberating in closed, Executive Session. Informal sanctions are not releasable to the public.

Board Regulations Revision Project Nears Completion

The Board has completed a 2 year review of its regulations (COMAR 10.43.01 *et seq*) and will be submitting its proposed regulatory rule-making revisions to the Office of Attorney General and DHMH Office of Regulations for final review and publications. These revisions will be posted on the Board website for review. In addition, by law, the regulatory initiative must be published for public comment in the Maryland Register. At that time, any interest party may submit comments or questions. Significantly, the Board subcommittee held three (3) public meetings to allow the public to submit comments and see the process. In addition, the Board met several times in closed session with legal counsel, diligently crafting meaningful proposed changes to the regulations.

In summary, the main revisions will:

- Greatly expand CEU course approval to **automatically** cover all CCE approved schools and their courses, all state Chiropractic Associations courses, and courses approved by FCLB, PACE, NBCE and any other pre-approved organization or provider. Once pre-approved, there will be no need for such organizations to submit their courses for approval.
- Independent providers will still be able to achieve approval for their courses as currently allowed approval procedures.
- CPR provider approval will be expanded to notable national and regional providers in addition to Red Cross and American Heart Association.
- The existing requirement for 270 hours of physical therapy training for new Chiropractic Applicants will be deleted. Passing the NBCE PT examination with a 375 score will be the qualifying requirement to obtain a PT endorsement on the license.
- The CA and Supervising Chiropractor regulations will be re-worked to clarify and reflect the recent policy changes (see pg 1)
- The massage CEU provisions will be similarly liberalized as the above-cited chiropractic CEU revisions; The massage recordkeeping provisions will be clarified and detailed to reflect what is minimally expected to be maintained in the client file.

FAQs (Frequently Asked Questions)

- **Q: How much will the chiropractor renewal fees be for the August 2013 renewal?**
- A: Licensees may expect the renewal fee to be \$736.00 for biennial 2013-2015 period. The \$36.00 is the MD Healthcare Cost Commission statutory user fee assessed by the state for all healthcare licensees. The regulatory biennial renewal fee is set at a ceiling of \$700.00. The current and projected operating expenses reflect the prospective fee. For the past 3 renewal cycles, the Board has been able to keep fees below the regulatory ceiling; however, this can only be done when the budget permits. Both direct operations costs of heating, communications, postage, printing, equipment, employee benefits, etc., all have an impact on fees. In addition, increased indirect fees such as reimbursing for building security, legal support services, attorney fees, hearing costs, etc. greatly impact on the assessed fees.
- **Q: What is MHCC Statutory User Fee & why do we have to pay it?**
- A: This is the fee set by the Legislature as an assessment to all healthcare licensees. It is a direct mandate of the MD Legislature. MHCC issues rulemaking every so often to adjust the fee. The user fee has recently been raised from \$28.00 to \$36.00. When collected by the Board, the \$36.00 fee is channeled to the MD Healthcare Cost Commission. The fees are used to fund state projects and studies relating to health trends, patient needs and care and special programs to assist patients and providers. **Licensees with questions or complaints about this fee should contact: Ms Bridget Zombro, MHCC Administrative Director at 410-764-3558. See additional information/details on page 4.**
- **Q: Do I need to keep a patient record for a simple healthcare screening or in a situation where a prospective patient comes in, a history is taken, but the patient departs, declining a full exam and treatment?**
- A: Yes, the Board strongly encourages a doctor to complete a summarized patient record in such cases, notwithstanding the brevity of the visit. This protects the doctor in the event of a later law suit or complaint to the Board. Remember, it is difficult to impossible to discern what occurred during a patient visit or screening unless a written record is completed. A concise, summarized record will suffice in such cases.
- **Q: Does a Supervising Chiropractor have to report new hires, transfers, or terminations of licensed chiropractors or registered CAs?**
- A: There is no requirement to report hiring, transfer, or termination of staff who are already licensed or registered; however, Supervising Chiropractors MUST use the *Request to Hire CA Applicant Form* for new hires of CA Applicants and *Change of Status* form for any transfer or termination of CA Applicants. While not required, it is suggested that a short email or fax be sent when hiring, transferring or terminating a licensed chiropractor or registered CA. Upon receipt, we will maintain the notice in the Supervising Chiropractor file. (We stress that this is a suggested courtesy to the Board, and not a required notice).
- **Q: Why do CA examination applications need to be submitted 45 days before the CA exam?**
- A: This regulatory timeline is not arbitrary. The deadline is set so that the Board staff and investigative unit may conduct a reasonable administrative audit of the file and a criminal background check of the applicant. Forty-five days is the reasonable sufficient time to complete the review and insure that the applicant indeed qualifies for the CA exam and registration as a healthcare provider.
- **Q: Can A licensed chiropractor perform Maryland High School Sports Physical Exams?**
- A: Generally the answer is "NO". MD licensees may perform physical examinations for all patients under his/her scope of chiropractic practice. However, there is a specific MD Regulation (COMAR13A.06.03.02(2)(I)) that mandates that high school sports physicals may ONLY be performed by MDs, PAs, and Nurse Practitioners. Accordingly, chiropractic exams for high school sports physicals are NOT approved by the State. For schools or programs other than High Schools, the licensee should specifically check in advance with the school and school board in issue.

MORE BOARD NEWS

NBCE & FCLB CONFERENCES:

President Stephanie Chaney, DC, and Vice President, Michael Fedorczyk, DC, represented the Board of Examiners at both the National Board of Chiropractic Examiners annual meeting and the Federation of Chiropractic Licensing Board annual conference in May 2013, in San Francisco, CA. They reported to the Board on relevant national and regional chiropractic issues.

CHIROPRACTOR RENEWALS COMING DUE IN AUGUST: (SEE PAGE 5 FOR DETAILS)

Chiropractic online renewals will begin in mid-July with a deadline of midnight, August 31st. All chiropractors who received their license prior to August 31st, 2012 must satisfactorily complete a minimum of 48 CEUs from Board approved sources including: 3 in risk management, 3 in AIDS/HIV/Infectious Disease Control/sanitary practices, 1 in Cultural Competency/Diversity; and 1 in Jurisprudence. **Do NOT wait to complete your CEUs. At this point in time, you should be wrapping up completion of your CEU requirements.** As always, the Board will audit renewal applicants for compliance. Also, all licenses are required to always have an active CPR Certification (Provider Level) from the American Heart Association, or the American Red Cross. As before all renewals are done online via the Board website at www.mdchiro.org. The renewal portal will be activated sometime in mid-July (announcements have already been sent to all licensees via postcard and formal, detailed letter).

BOARD ISSUING AUDIT NOTICES FOR DELINQUENT SUPERVISING

CHIROPRACTORS VIOLATING CA APPLICANT HIRING/TRAINING PROCEDURES:

The Board is now reviewing all applications to hire CA Applicants/Trainees and auditing Supervising Chiropractors known to frequently hire & fire applicants or whose applicants fail to complete the program within the training program guidelines. In addition, Supervising Chiropractors who are found to abuse the program may have their Supervising Chiropractor status suspended or revoked by the Board. Remember, Supervising Chiropractor status and the ability to maintain a CA staff is a privilege and not a right or entitlement. Supervising Chiropractors are cautioned to read and follow the applicable regulations policies and procedures in place for the hiring, training, and education of CA Applicants.

WHAT IS THE MD HEALTH CARE COMMISSION?

The MHCC fee assessed to chiropractic licensees will be \$36.00; this is increased from the \$28.00 per licensee fee charged during 2012 renewals. These fees are mandated by statute (MD Code Ann. Health General Article 19-111 and COMAR 10.25.03. The Legislature (in 1999) mandated the collection of these fees from most healthcare licensees to assist the State in administering programs, analyses, studies, and assistance to patients and providers. Fees collected in 2012 totaled \$1,821,075. Fees are collected from providers, insurers, hospitals, healthcare companies, etc. (see more information on the FAQs section on page 3). MHCC WEBSITE IS WWW.MHCC.MARYLAND.GOV

The assessment fees are used for the following summarized services/programs:

- **Oversight** of specialized inpatient services; publishing hospital guides and instructions and informational flyers for patients; conducts studies on staffing crowding, efficiencies; conducts planning related to prospective programs regarding nursing homes, long term care, insurance group issues, disparities in patient treatment, etc.;
- **Health Information Technology**—Responsible for studying and advancing health information technology in Maryland. Effective implementation of health IT will assure that providers have accurate and more accessible information and the ability to collect and collate and transmit such information within the HIPAA framework;
- **Administers the State Trauma Fund**—covers costs of care provided by trauma healthcare providers for uncompensated care, Medicaid and standby expenses and equipment grants;
- **Health Practitioner Performance Measurement**—supports performance measurements and studies on practitioner performance in quality, cost, efficiency regarding providers, payers, and patients. It also promotes performance improvement in the provision of healthcare services, by enabling practitioners to track performance and compare peer performance;

IMPORTANT REMINDER:

CHIROPRACTOR LICENSE RENEWAL COMING—AUGUST

- **WHEN & WHO:** The biennial license renewal for chiropractors will commence in mid-July with the deadline of midnight, August 31, 2013. **ALL LICENSED CHIROPRACTORS MUST RENEW online** (regardless of license issue date). If your license was issued **BEFORE** September 1, 2012, you are exempt from the 48 CEUs requirement but must still renew online before the August 31st 2013 deadline.
- **HOW:** All renewals are done **exclusively online** through the Board website at www.mdchiro.org. No paper renewals are accepted/available. The online renewal portal will open in mid July at www.mdchiro.org home page. Payment is only accepted via Visa or Master card. Every Licensee will receive a postcard reminder and a multi-page letter with renewal instructions. The information will also be posted on the Board website at www.mdchiro.org. Online renewals will commence sometime in mid-July.
- **FEES:** The regulatory renewal fee (COMAR 10.43.06 (E) is \$700.00 for the biennial period 2013-2015. In addition, Maryland Healthcare Cost Commission statutory fee of \$36.00 is also imposed. **TOTAL FEES DUE FOR ON-TIME BIENNIAL RENEWAL = \$736.00.** Late filers will be automatically assessed a \$500.00 late fee. No waivers or exemptions will be issued except for documented healthcare circumstances or exigent emergencies. Any petition must be reviewed and voted on by the full Board of Examiners.
- **CEUS:** All chiropractors who received their license prior to September 1st, 2012 must satisfactorily complete a minimum of 48 CEUs from Board approved sources including: **3 in risk management, 3 in AIDS/HIV/Infectious Disease Control, 1 in Cultural Competency/Diversity; and 1 in Jurisprudence.** Do NOT wait to complete your CEUs. As always, the Board will audit renewal applicants for compliance. Also, all licensees are required to always have an active CPR Certification (Provider Level) from the American Heart Association. or the American Red Cross. Go to the Board website to view all currently all approved CEU courses/programs. Licensees who do not have sufficient CEUs will NOT be permitted to continue practice unless/until all CEUs have been satisfactorily completed. Address all CEU questions to the Executive Director.
- **CPR CERTIFICATION:** In addition to the required CEUs, every licensee must hold an active CPR certification from the American Red Cross or the American Heart Association or their formal authorized affiliates/agencies. No other sources are acceptable.
- **AUDITS:** There will be a substantial random percentage audit of licensees this year; it is increased due to the number of irregularities found during the last biennial renewal. Licensees who do not comply with the audit will not receive a license and will not be permitted to practice unless/until the audit is satisfied. To satisfy an audit, the licensee must produce a legible copy of his/her course completion certificates from the Board Approved CEU Provider and a copy of his/her CPR certification. False information discovered during an audit will be automatically forwarded to the investigative unit for further investigation and possible charges against the license of the renewal applicant.
- **OTHER AUDITS & HOLDS:** Your renewal will be automatically held in abeyance upon receipt of an audit/delinquency flag from MD Comptroller (for tax issues) and/or from MD Dept of Human Resources (“DHR”) (for back child support payments). The Licensees must work directly with the MD Comptroller and/or DHR to resolve the issues before a license can be issued. Information is provided in the renewal notification letter from the Board, including Comptroller and DHR contact numbers.

MD Board of Chiropractic &
Massage Therapy Examiners
4201 Patterson Ave., Suite 301
Baltimore, MD 21215-2299

Mailing Address Label

WORDS OF WISDOM

Be careful of what you wish for.....you just may get it! (anonymous)

Life's like a horse...you can't wait till he is ready to get hitched ...you have to just jump on and go for the ride! (Songster, Woody Guthrie)

A lie travels half way round the world before truth even has a chance to put on its pants. (Sir Winston Churchill)

Liberty is like a hot gun handle.....it must be treated with great care. (President John Adams)

If you must pay the price if you wish to secure the blessing. (President Andrew Jackson)

Being President is like being a packass in a hailstorm.....sometimes you just have to stand there and take it! (President Lyndon Johnson)

CHANGE OF ADDRESS FORM

(To be submitted every time a licensee changes mailing address)

The Board regulations require all licensees to maintain a current address with the Board. **There is a \$200. penalty for failure to maintain a current address with the Board.** If you have recently moved or are planning a move, please complete and mail the following:

I, _____, submit that my current official mailing address is

_____.

The change was/is effective on _____ . New phone is _____,

E-mail address is: _____.

Chiropractor signature _____ Date _____.

Mail to: MD Board of Chiropractic Examiners, Suite 301, 4201 Patterson Ave., Baltimore, MD 21215-2299

Attn Ms. Berger